

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JESSE HAMMONS,

Plaintiff,

V.

UNIVERSITY OF MARYLAND MEDICAL SYSTEM

CORPORATION, et al.,

Defendants.

Case No. 20-cv-2088-DKC

**AFFIDAVIT IN SUPPORT OF PLAINTIFF’S CROSS-MOTION FOR SUMMARY
JUDGMENT AND OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY
JUDGMENT**

I, Edward J. Delman, declare under penalty of perjury:

1. I am an attorney at the law firm Patterson Belknap Webb & Tyler LLP, counsel for Plaintiff Jesse Hammons in the above captioned action, and I am admitted *pro hac vice* to practice in this Court. I submit this affidavit in support of Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment ("Plaintiff's Motion"). I have personal knowledge of the facts herein and am competent to testify to them as necessary.

2. Exhibit 1 to Plaintiff's Motion is a true and correct copy of the Declaration of Jesse R. Hammons, signed July 15, 2022.

3. Exhibit 2 to Plaintiff's Motion is a true and correct copy of a letter signed by Dr. Kate Thomas, which was produced to Defendants at Bates-numbers HUM_0000050-51.

4. Exhibit 3 to Plaintiff's Motion is a true and correct copy of the Expert Witness Report and Declaration of Loren S. Schechter, M.D. Pursuant to Fed. R. Civ. P. 26(a)(2)(B), signed on December 14, 2021. On December 27, 2021, this document was disclosed to

Defendants pursuant to Federal Rule of Civil Procedure 26(a)(2)(A) and the Court's scheduling order, ECF No. 65.

5. Exhibit 4 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the deposition of Dr. Gail Cunningham, both in her personal capacity and under Rule 30(b)(6) as a representative of both Defendant UMSJ Health System, LLC and Defendant University of Maryland St. Joseph Medical Center, LLC, taken on April 14, 2022.

6. Exhibit 5 to Plaintiff's Motion is a true and correct copy of the Articles of Organization of UMSJ Health System, LLC, which was produced to Defendants at Bates-numbers HUM_0001100-03.

7. Exhibit 6 to Plaintiff's Motion is a true and correct copy of the Articles of Organization of Northeastern Maryland Regional Health System, LLC, which was produced to Defendants at Bates-numbers HUM_0000513-15.

8. Exhibit 7 to Plaintiff's Motion is a true and correct copy of Articles of Amendment for Northeastern Maryland Regional Health System, LLC, which was produced to Defendants at Bates-numbers HUM_0000516-17.

9. Exhibit 8 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the Rule 30(b)(6) deposition of William C. Greskovich as a representative of Defendant University of Maryland Medical System Corporation, taken on May 20, 2022.

10. Exhibit 9 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the deposition of Everest Scott Conover, taken on April 13, 2022.

11. Exhibit 10 to Plaintiff's Motion is a true and correct copy of UMSJ Health System, LLC's 2017 Form 990, which was produced to Defendants at Bates-numbers HUM_0000518-619.

12. Exhibit 11 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the deposition of Keith Riddle, taken on April 21, 2022.

13. Exhibit 12 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the deposition of Fr. Louis Asobi, taken on April 11, 2022.

14. Exhibit 13 to Plaintiff's Motion is a true and correct copy of a policy document from the National Catholic Bioethics Center, which Defendants produced at Bates-numbers UMMS000000004-05.

15. Exhibit 14 to Plaintiff's Motion is a true and correct copy of the Catholic Identity and Ethics Review, which Defendants produced in native format at Bates-number UMMS0000000768.

16. Exhibit 15 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the deposition of Dr. Michael J. Marion, taken on April 6, 2022.

17. Exhibit 16 to Plaintiff's Motion is a true and correct copy of an email exchange between Dr. Gail Cunningham and various employees of St. Joseph Medical Center, which Defendants produced at Bates-numbers UMMS000000107-10.

18. Exhibit 17 to Plaintiff's Motion is a true and correct copy of an email sent by Dr. Monica Buescher to Dr. Steven Adashek and others, which was produced to the parties by third-party Dr. Steven Adashek.

19. Exhibit 18 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the deposition of Dr. Monica Buescher, taken on March 21, 2022.

20. Exhibit 19 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the deposition of Dr. Steven Adashek, taken on May 20, 2022.

21. Exhibit 20 to Plaintiff's Motion is a true and correct excerpt of the certified transcript of the deposition of Plaintiff Jesse Hammons, taken on April 8, 2022.

22. Exhibit 21 to Plaintiff's Motion is a true and correct copy of handwritten notes from a January 30, 2020 meeting, which were produced to the parties by third-party Dr. Steven Adashek.

23. Exhibit 22 to Plaintiff's Motion is a true and correct copy of an email from Dr. Gail Cunningham to Dr. Michael J. Marion and others, which Defendants produced at Bates-number UMMS_000000715-16.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. I further reserve the right to supplement and/or amend this Affidavit.

Date: July 25, 2022

Respectfully submitted,

/s/ Edward J. Delman

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Counsel for Plaintiff Jesse Hammons

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2022, Defendants' counsel was served with the foregoing document through the Court's Electronic Case Filing System.

/s/ Edward J. Delman

Edward J. Delman